



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/651,320	08/31/2000	Mayur Maniar	5793.3031	3899

22852 7590 07/05/2005

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

BAYAT, BRADLEY B

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/651,320

Applicant(s)

MANIAR ET AL.

Examiner

Bradley B. Bayat

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

This communication is in response to Applicant's amendment of claims 1-39 filed on 21 March 2005. Claims 1-39 remain pending and are presented for examination on the merits.

Response to Arguments

Applicant's arguments with respect to the above noted claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buchanan et al. (hereinafter Buchanan, 5,950,179), in view of Walker et al. (Hereinafter Walker, 6,088,686).

As per claims 1, 12 and 21, Buchanan discloses a method for providing and activating an advance credit card to a customer with an initial modest credit limit that may be activated by the customer or upon further satisfaction of various factors can be assessed to increase the initial credit limit and then activated (column 3, lines 1-65). Buchanan does not explicitly disclose analyzing various responses to risk splitting questions (defined by applicant as factors affecting

Art Unit: 3621

the financial status, burden or earning capacity such as income, car loan, checking account, monthly rent/mortgage payment).

Walker, however, teaches a comprehensive system and method for performing on-line credit reviews, assessing credit risks based on factors beyond credit rating and determining a credit limit for any financial product, including a bank card for new customers or current customers (column 7, line 57-column 9, line 65; see figures 41-44 and associated text for a detailed step by step process). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Buchanan to include other factors beyond the traditional credit rating, such as the maximum debt burden taught in Walker, to determine a customized credit limit commensurate with the customer's actual spending power and capacity while at the same time minimizing the risk in extending a more accurate line of credit.

As per claims 2-11, 13-16, 22-33, 38 and 39, Buchanan discloses a method for providing and activating an advance credit card to a customer with an initial modest credit limit that may be activated by the customer or upon further satisfaction of various factors can be assessed to increase the initial credit limit and then activated (column 3, lines 1-65). Buchanan does not explicitly disclose analyzing various responses to risk splitting questions (defined by applicant as factors affecting the financial status, burden or earning capacity such as income, car loan, checking account, monthly rent/mortgage payment). Specifically, Buchanan does not disclose providing other offers/cross selling, setting predetermined threshold or various electronic mechanisms of receiving response of input by a customer.

Walker, however, teaches a comprehensive system and method for performing on-line credit reviews, assessing credit risks based on factors beyond credit rating and determining a

Art Unit: 3621

credit limit for any financial product, including a bank card (column 7, line 57-column 9, line 65; see figures 41-44 and associated text for a detailed step by step process). Walker further teaches providing a mechanism to automate up-sells and counteroffers based on the customer responses to various questions (column 6). Walker further discloses utilizing debt burden responses and other external factors beyond a credit rating to flag certain predetermined thresholds in determining a risk-assessed credit limit (columns 13-14). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Buchanan to include other factors beyond the traditional credit rating, such as the maximum debt burden taught in Walker, to determine a customized credit limit commensurate with the customer's actual spending power and capacity while at the same time minimizing the risk in extending a more accurate line of credit. Furthermore, it would have been obvious to modify the traditional credit issuing system to utilize consumer verifiable data to ascertain the true credit worthiness of the consumer and provide more opportunity to sell products while utilizing such predetermined thresholds to minimize risk in extending a line of credit.

As per claims 17-20, 34-37, Buchanan discloses a method for providing and activating an advance credit card to a customer with an initial modest credit limit that may be activated by the customer or upon further satisfaction of various factors can be assessed to increase the initial credit limit and then activated (column 3, lines 1-65). Buchanan does not explicitly disclose analyzing various responses to risk splitting questions in increasing or decreasing a credit limit (defined by applicant as factors affecting the financial status, burden or earning capacity such as income, car loan, checking account, monthly rent/mortgage payment).

Walker, however, teaches a comprehensive system and method for performing on-line credit reviews, assessing credit risks based on factors beyond credit rating and determining a credit limit for any financial product, including a bank card (column 7, line 57-column 9, line 65; see figures 41-44 and associated text for a detailed step by step process). Walker further teaches providing a mechanism to automate up-sells and counteroffers based on the customer responses to various questions (column 6). Walker further discloses utilizing debt burden responses and other external factors beyond a credit rating to flag certain predetermined thresholds in determining a risk-assessed credit limit (columns 13-14). Moreover, Walker teaches a mechanism to increase or decrease a credit limit based on various factors to provide risk security for the financial institution, while at the same time retaining the customer without having to completely revoke a credit limit (columns 15-17). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Buchanan to include other factors beyond the traditional credit rating, such as the maximum debt burden taught in Walker, to determine a customized credit limit commensurate with the customer's actual spending power and capacity while at the same time minimizing the risk in extending a more accurate line of credit. Furthermore, it would have been obvious to modify the traditional credit issuing system to utilize consumer verifiable data to ascertain the true credit worthiness of the consumer and provide more opportunity to sell products while utilizing such predetermined thresholds to minimize risk in extending a line of credit while also retaining customers that may have financial problems.

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

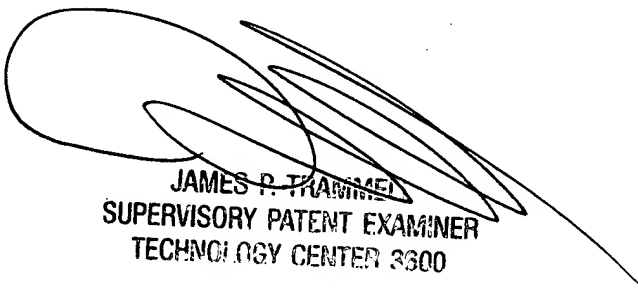
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley B. Bayat whose telephone number is 571-272-6704. The examiner can normally be reached on Tuesday-Friday 8am-6: 30pm.

Art Unit: 3621

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bbb



JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600